

APPROVED: MEETING NO. 27-84

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 26-84

August 13, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 13, 1984, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan, and Assistant City Attorney Francis T. Lacey.

Re: Resolution: To express gratitude and appreciation for the outstanding service of Charles Quigley.

Resolution No. 28-84

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Resolution No. 28-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, expressing gratitude to Charles Quigley, was passed by the Mayor and Council.

Councilwoman Hovsepian read the resolution which expressed the gratitude of the City staff for the three years that Charles Quigley gave to the City and the strong interest and deep commitment to his work both as a scientist and as a citizen of Rockville.

Mr. Quigley expressed his thanks to the City for the opportunity to work in such a progressive community.

Re: Resolution: To express gratitude and appreciation to the Naval Research Lab for its program of Technology and Information Systems to local government

Resolution No. 29-84

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 29-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, expressing gratitude to the Naval Research Lab for its technology program, was adopted by the Mayor and Council.

Captain John A. McMorris, of the United States Navy, accepted the Resolution and expressed his appreciation to the City for its interest and support of this program.

Re: City Manager's Report

Mr. Blick reported the following:

1. Bert Hall, the City's Swim Center Supervisor, was quoted in the July 31, 1984, issue of U.S.A. Today in an interview article on swimming training for the Olympics.

2. Repairs to the brick sidewalks at Washington Street and North Adams Street have been completed. The State Highway Administration has been working on Veirs Mill Road to construct two left turn lanes at Twinbrook Parkway.

3. Underground permits for cable television installation in North Farm have been approved.

4. The fire hydrant flushing program was completed with 152 hydrants flushed and 741 hydrant valves checked. The Chemical Root Control program has also been completed.

5. Use permits have been issued for a 7-story office building on the east side of Hungerford Drive to contain 85,500 square feet of office space. A use permit application has been approved for the Woodley Gardens Shopping Center for a High's convenience store and the Hard Times Cafe.

6. Montgomery County passed an executive order to permit cooperating municipalities to receive the portion of CDBG funds it contributes to Montgomery County's total allocation as a result of its population. The City will receive \$495,000. A public hearing has been scheduled for September 10 on the use of the funds. The CDBG advisory group will testify and make recommendations to the Mayor and Council.

Councilman Tyner asked for a list of memberships in the CDBG group. Councilwoman Hovsepien asked that notices be sent out for the hearing to specific groups.

Re: Appointment

Mayor Freeland appointed Bernard A. Fitzgerald as the Administrative Employees' representative to the City's Retirement Board for a term to expire July 1, 1986. The appointment was confirmed by the Council.

Re: Presentation of Check
to Manna Food

Mr. Ken Brown of Manna Food which distributes supplies to the needy, was presented with a check for \$5,000 from the City of Rockville to assist the center in this worthwhile program. Mr. Brown thanked the City on behalf of the Rev. Lon Dring, Director of the Center.

Re: Presentation of
Certificate of
Conformance for
Financial Reporting

The City of Rockville has been awarded the Certificate of Conformance for its comprehensive annual financial report for the year ended June 30, 1984. This is the fifth year the City has received the award, which is the highest

form of recognition given to municipalities in the area of governmental financial reporting. Mary Parker accepted the award on behalf of the Finance Department.

Re: Maryland Municipal
League Presentation

Councilman Tyner presented the Maryland Municipal League's Certificate of Award which is given to elected and appointed officials who work on various committees. Councilman Douglas Duncan received the award for his work on the Convention Planning Committee and Paul Glasgow, City Attorney, received an award for the time spent with the President's Task Force on alternative identification of municipal services. Mayor Freeland commended Councilman Duncan for his work and also Councilman Tyner, the League's past president.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Tom Lawrey. Mr. Lawrey told the Council that the stop light is obscured at Bethany House due to an overgrowth of shrubbery.

As Chairman of the Independents for Rockville political group, Mr. Lawrey said the group has taken no firm stand on the combined registration being discussed this evening but suggested that the Mayor and Council employ a cautious and studious approach and a public hearing be held before any changes are made.

Mr. Lawrey said the IFR group took no formal position on the advisory referendum held last April, but will set up an ad hoc committee to study it if the Council wishes.

Concerning Robert Jacques suggestion a few weeks ago of reducing the number of polling places, Mr. Lawrey suggested the number of places remain the same but the work force could be reduced if necessary. He added that he has strong

reservations about any change in the voter registration system.

At the meeting of the Executive Council of IPR held on August 2, a resolution of support for Mayor Freeland was adopted. Mr. Lawrey read the resolution.

2. Roald Schrack, 611 McIntyre Road. Mr. Schrack said that the City of Rockville has undergone unnecessary agony because of the Mayor's lack of good judgment in selecting his present employment.

Mr. Schrack said he came this evening to speak on the idea of combined voter registration. He has done a statistical study which he furnished to the Mayor and Council and copies of which are available for any citizen who wishes to have one. He explained the study which shows that when Gaithersburg went to a combined registration it suffered a significant drop in actual voters. In the past, none of the suggested Rockville approaches to increased registration has produced an appreciable increase in actual voters. He suggested that a better approach to increasing interest would be to publicize the election by opening up the newsletter and using the upcoming Cable system.

Councilman Abrams asked if in Mr. Schrack's study he had looked at the idea of extending election day registration to other places besides City Hall. Mr. Schrack said it would seem that there would be no problem in doing that but he felt that, too, would show no appreciable increase in voter turnout.

3. Frances Thompson, 707 Monroe Street, Apt. 301. Ms. Thompson told the Council that she disagrees with the present dual registration system. She feels it disenfranchises people and fails to enhance the spirit of encouraging voter turn out. Concerning the postcard referendum, she felt that the City needs a stronger ethics law since there is a big problem but the postcard referendum will make a mockery out of the political process. The City might be better

served by taking the money saved by not doing a referendum and giving a grant to a law school and let the students write a model ethics ordinance.

4. John Rausch, Board of Supervisors of Elections. Mr. Rausch told the Council that a combined registration system that would put 26,000 names on the polls would show no reciprocal increase in voting in the City. Mr. Rausch added that any increase in names puts an extra burden on candidates and would raise the cost of a campaign for the candidates. The Board of Elections reviewed the previous memo sent to the Mayor and Council in 1982 and reaffirmed its agreement not to use the County registration but continue the present system while allowing Rockville Election day registration. This way registration would be kept under City control and would guarantee the fine service that the City has had in the past.

Councilman Duncan asked Mr. Rausch if he placed a higher priority on candidates' expense than on voters' ease. Mr. Rausch said that was not his point. Councilman Duncan asked Mr. Rausch if he was satisfied with a registration of only 9,000 instead of one of possible 24,000. Mr. Rausch said the Board is not convinced that there would be more voters if there were simply more names on the list.

Councilman Abrams asked if the Board had considered extending election day registration to polling places. Mr. Rausch said that would be something for the Board to consider and work out. The Board deals simply in policy. The staff would work out the technical details of personnel and control. Councilman Abrams asked if the Board had considered extending the time that people are kept on the rolls when they fail to vote. Mr. Rausch said the present purge system after missing two elections produces a good solid body of voters.

5. Ruth Loevinger, 12 Lakeside Overlook. Mrs. Loevinger said she does not see why registration cannot be done at each polling place, otherwise sending people to City Hall puts an impediment in the way of voting. She suggested

another problem in voting is the disparity in polling places. Maybe the City could change theirs to those of the County or at least place a sign at each County polling place telling Rockville voters where they can vote. She added that at one time the League of Women Voters candidates guide was produced by the City and asked that that be reinstituted. She added that there is voter apathy during election and that is not just a Rockville problem.

6. Barbara Chambers, 140 South Adams Street. Mrs. Chambers said she has worked as an election judge for the City and the County for many years and a good deal of confusion exists. Each jurisdiction has the responsibility to make it easy for the voter. The voting places should be equalized and the registration process should be simplified.

7. JoAnn Mazzetta, 19 Pitt Court, Chairman of the Human Rights Commission. Mrs. Mazzetta said that the Journal Newspaper mentioned a discussion that would be held by the Mayor and Council this evening concerning a public safety task force. The Mayor said he does plan to raise this issue at new business. Mrs. Mazzetta said she has seen many points raised, such as the ride-along program, special merit awards to employees, etc. At one time the Human Rights Commission drafted a proposal to award individuals who work for human relations. She asked if the Mayor would like the Human Rights Commission to take on this project. The Mayor said awards were discussed at Friday's meeting since the NAACP has suggested awards to policemen. It had been the City's suggestion that awards be made available to all city employees who would work for the furtherance of human relations. This will be a staff award and in his conversations with the City Manager they agreed they would ask for guide lines from the Human Rights Commission on this whole selection process .

8. Jennie Forehand, 712 Smallwood Road. Mrs. Forehand said if the City should start using the County roles, there are many military families who are

part of the community and they would no longer be allowed to vote at City elections. She introduced her friends, Mr. & Mrs. Norman Pennington who are visiting here from England. Councilman Duncan suggested that if a combined registration were used people could come to City Hall who wanted to register only for the City.

Councilman Abrams suggested that Montgomery County should look into Election Day registration.

9. Sean Hurley, 1303 Princeton Place. Mr. Hurley addressed the Ethics ordinance and noted that in the Federal government there is quite a strong ethics ordinance and perception is more important than the law itself. He disagreed with the postcard idea but suggested that a model ordinance is needed and approved a former suggestion given by Ms. Thompson this evening that suggested that a grant be given to a law school who could look at the present law and make some suggestions as to what it could be.

10. Mark Allen, president of the North Farm Citizens Association. Mr. Allen said his community had a registration drive and people not only registered but they voted. In his community last week, the North Farm citizens association voted against a postcard referendum and suggested the money be spent on the needy or on the aged.

11. Steve Fisher, Burgundy Homeowners Association. Mr. Fisher said there is still garbage at 1055 First Street. He said he would like to know the boundaries of Northeast park since there seems to be some confusion over that.

12. Dennis Cain, Carr Avenue. He thanked the Mayor and Council for their help in the crab apple tree problem and he noted that the federal advisory committee deals with the conflict of interest very closely. All part time people and committee members have very specific assignments and if a member has a conflict, not only is the member excluded from the discussion but so is the entire committee.

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13. Homer Brock of East Rockville. Mr. Brock said he was very active in voter registration in his community and was able to get many people registered however, not all of them voted.

14. Mark Allen, North Farm Association. Mr. Allen asked the Council why the present form of government is used and what thought had been given to having a full-time Mayor. The Council explained the present system of government is the Council/Manager type that produces a "weak Mayor" form of government.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizens forum portion of the meeting.

Re: Public Hearing: Proposed Ordinance to regulate Amusements and Vendors in the City

The Mayor and Council conducted a public hearing on a proposed ordinance to regulate amusements and vendors in the City and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open until August 24, 1984.

Re: Public Hearing: Text Amendment T-60-84, Mayor & Council of Rockville, Applicant, to eliminate payment bond requirements and to further give the City Manager discretion to accept performance security other than surety bonds

The Mayor and Council conducted a public hearing on Text Amendment T-60-84, eliminating payment bond requirements and further giving the City Manager discretion to accept performance security other than surety bonds, and heard those persons as will be found in the official stenographic transcript of the

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hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open until August 24, 1984.

Re: Public Hearing:
Street Closing Appli-
cation, SCA-48-84,
WMATA, Applicant,
portion of Westmore
Road at B & O Rail-
road tracks

The Mayor and Council conducted a public hearing on Street Closing Application, SCA-48-84, to closed a portion of Westmore Road at the B & O Railroad tracks, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open until August 24, 1984.

Re: Introduction of
Ordinance: To amend
Section 7-2.11c of
Chapter 7, entitled
Water and Sewer
Utilities to deal
with sewer backups

On motion of Councilman Abrams, there was introduced upon the table an ordinance to amend Section 7-2.11c of Chapter 7, entitled Water and Sewer Utilities to deal with sewer backups, said ordinance to lay over at least one week before final action is taken. Councilwoman Hovsepian asked the Public Works Director to explain the "clean up valve" referred to in the ordinance. Mr. Goodin explained that there is a connection at the surface down to a pipe at the property line enabling the crews to know just whether a blockage was on public or private property.

Re: Introduction of
Ordinance: To Grant
Text Amendment Appli-
cation, T-53-82,
Prudential Insurance
Co., Applicant,
Special Development
Standards in the I-3
zone, to allow site
design flexibility

On motion of Councilman Tyner, there was introduced upon the table an ordinance to grant Text Amendment Application T-53-82, to allow site design flexibility in the Special Development Standards in the I-3 zone, said ordinance to lay over at least one week before final action is taken.

Re: Work Session:
Proposal to combine
Rockville &
Montgomery County
Voter Registration.

Councilman Duncan said the City should combine the registration process with that of Montgomery County. It should then consider going to a combined polling place. This would make it easier for 13,000 people to vote and it can only be a benefit to the people and show higher participation. It would save the City money since the County would take over registration.

Councilman Abrams said that although he agrees that he would like to see a higher voters turn out, he suggests that the City retain its present system and extend election day registration to the individual polling places. The City system is an excellent example and the City prides itself on its non-partisan election process. Additional participation is allowed because it is non-partisan. Because of the Hatch act the City could run into problems if partisanship were introduced. Councilwoman Hovsepian said she speaks this evening in opposition to Councilman Duncan's suggested plan and she is not interested in a change. Adding 13,000 to 15,000 registrations to the rolls would not even add 100 voters. She said this City should stay with its system -

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making it easier to vote, mailing the sample ballots again, and extend the registration to the individual polling places.

Councilman Tyner said he agrees with Councilmembers Hovsepian and Abrams and although voting is a right it is also a duty. Forty percent fall down in their duty. It would seem that people come out to vote when there are issues. He has seen no earth shaking issues in the past six elections in the City and no change in the process would do any good. It would seem to him that when people register to vote there is a commitment made at that time.

Councilman Duncan said he did not see what is so special or unique in the City's process. 4,400 voters is disgraceful. There is a need for the Board of Elections to come up with a specific program for an increase in voter turnout. Councilman Abrams said there is nothing to preclude candidates from getting out the voters. Councilman Duncan felt one registration should cover everything. The Councilmembers proceeded to discuss the possible changes in the polling places or even as Mr. Jacques had suggested - reducing the number. Councilman Duncan expressed his opposition to reducing the polling places.

Mayor Freeland said all agree that there should be more people voting. Work should be done with all segments of the community to bring this about. The majority of the Council agree to stay with the present system and ask the Board of Elections to extend the election day registration. The City could talk to the County about coordinating polling places and stay with the proposal of mailing out the ballot. Mayor Freeland suggested that the City newsletter be better used to disseminate better information. Councilwoman Hovsepian thought at the same time the staff might look into cost of the League of Women Voters guide. Mayor Freeland asked for a report back to the Council in ninety days as a result of tonight's discussion.

(At this time, Mayor Freeland left the meeting.)

Re: Decision and
Instructions to staff
re Work Session on
Ethics Ordinance and
postcard referendum

Councilman Tyner became the Mayor pro tem.

Councilman Abrams withdrew his suggestion of a postcard referendum. He said his purpose was to bring about public comment and a way to measure public feeling. However, most of the comments received have been on the postcard itself. Councilman Duncan supported the withdrawal of the postcard referendum, however, he said he would like to see a recall provision placed in the City Charter. Councilwoman Hovsepien said she had no objection to this matter. Mayor pro tem Tyner suggested that the Council address the policy statement before them this evening. He presented to them an addition to the statement explaining that it is an interim policy. However, he asked that the Board of Appeals, Planning Commission and Historic District Commission be deleted at this time since they have not had an opportunity to review it. Councilman Abrams read the statement aloud. It was suggested by the Council that the sentence dealing with family members be moved to a more appropriate position. Councilwoman Hovsepien commented that she would like to address the integrity issue using a different definition than that used earlier in the evening, namely "the state of being whole, entire or undiminished." She concluded, according to that definition, that the integrity of the Mayor and Council has diminished.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the policy statement was approved. Mayor pro tem Tyner asked that the statement be forwarded to the Commissions noted asking if they might wish to voluntarily adopt the policy.

Councilman Duncan suggested the Mayor and Council go out into the neighborhoods in a series of four to six meetings with the civic associations and talk to them about the ethics ordinance and their confidence in the Mayor and

Council. The City can be divided into neighborhoods to facilitate this process. Councilman Abrams applauded Councilman Duncan's suggestion but said it is just a bit optimistic. It would be more helpful if staff came up with a list of options. Using the current ordinance as the frame work. Councilwoman Hovsepien suggested the Council have a work session before the staff prepares anything. The public can be asked to participate. Councilman Abrams agreed to the suggestion and said he would like the staff to review the ordinance as presented this evening and note where part time positions are referenced. The Council will meet in work session on August 27 and a package of material will be prepared for distribution to the Chairmen of the Planning Commission, Housing Authority, Board of Appeals, Historic District Commission, Landlord/Tenant Commission, Sign Review Board and civic associations after the work session.

(At this time Mayor Freeland returned to the Meeting.)

Re: Request for Waiver of
on-site Storm Water
Management: 506
Anderson Avenue

The site at 506 Anderson Avenue is located at the southwest corner of Laird Street and Anderson Avenue in the Watts Branch drainage area, and is about 1200 feet from the Welsh Park SWM project E-22.

The applicant has constructed a three-truck garage. In doing so, he has increased the imperviousness of this site roughly 2 1/2 times, from 14% to 36.8%. The gross lot size is 16,800 feet, (0.39 acre).

It is recommended that the on-site SWM requirements be waived and a contribution of \$634 be accepted toward the public SWM program. This request does not need concurrence by the Montgomery Soil Conservation District.

On motion of Councilman Tyner, duly seconded and unanimously passed, the request was approved.

Re: Award of Contract:
No. 5-0028-21,
Heating fuel, COG.

The above-referenced Invitation for Bid (IF) was issued for the purchase of #3 and #5 heating fuel. The City was listed as a participant. Each jurisdiction is to execute its own contract.

Bids were opened at 10:00 a.m. on June 22, 1984. Two bids were received to furnish and deliver #5 heating fuel via Tank Wagon which entails deliveries under 8,000 gallons. Five bids were received to furnish and deliver #2 Heating Fuel via Truck Transport which entails deliveries over 8,000 gallons.

5 HEATING FUEL (Delivered, Tank Wagon under 8,000 gallon capacity)

Company	Firm/Fixed Price	Escalating Price
Steuart Petroleum	.8190/gallon	\$.7918/gallon

#2 HEATING FUEL (Delivered, Truck Transport over 8,000 gallon capacity)

Company	Firm/Fixed Price	Escalating Price
Pheonix Petroleum	\$.8397/gallon	\$.8397/gallon
Langham-Hill Company	\$.8439/gallon	---
Steuart Petroleum	\$.8590/gallon	\$.8340/gallon
Atlantic Petroleum	---	\$.8453/gallon
Waller Company	---	\$.8565/gallon
Fannom Company	---	\$.8598/gallon

Based on the above-referenced information, it is recommended that award be made to Steuart Petroleum (the City's current contractor) for the total estimated amount of \$12,250.05 (inclusive of energy tax) for #2 Heating Fuel.

The proposed contract is a Requirement Contract. Funds are obligated per delivery.

It is also recommended that Mayor and Council agree to the extension of the contracts for two (2) additional one (1) year periods upon review by the Mayor and Council ninety (90) days prior to the end of the base year.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 50028-21-00 was awarded for #5 Heating Fuel to Steuart Petroleum in the

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amount of \$12,250.05 and #2 Heating Fuel to Phoenix Petroleum in the amount of \$9,383.00. With the agreement that the contracts could be extended for two additional one-year periods upon review by the Mayor and Council 90 days prior to the end of the base year.

Re: Award of Contract to
Select Consultant to
Conduct Rockville
Pike Traffic Study

Mayor and Council Resolution No. 25-84 imposed a moratorium on the receipt and processing of applications for use permits and zoning map amendments regarding property located in the Rockville Pike Corridor Plan Area of the City during which time certain studies were to be conducted. The current requirement is for the purchase of consultant services to complete a comprehensive transportation management plan and traffic engineering report of the Rockville Pike Corridor Plan study area.

On July 12, 1984 an Invitation for Proposal was mailed to six firms. A selection process consistent with the purchasing ordinance for Professional Services - Selection Process by Negotiations and an Invitation for Proposal to include a qualification package without prices was prepared.

The selection committee received and evaluated four (4) sealed proposals. The elements of point #1 of the selection criteria were weighted to equal 45% of the total possible score, point #2 equaled 25%, points #3 & #4 equaled 15% respectively. The firms and their ratings are as follows:

JHK & Associates	83
PRC Voorhees	79
Bellomo-McGee, Inc	73
Greenhorne & O'Mara	64

It is the recommendation of the negotiating committee that the contract be awarded to JHK & Associates for \$39,500. It is further recommended that the software necessary to conduct continuing transportation network modeling in-house be purchased for \$1,200, and that the option for reassessment of base

conditions after Metro begins operations be included in the contract for a sum not to exceed \$5,000.

On motion of Councilman Duncan, unanimously passed, the Council approved an award of contract to JHK & Associates for \$39,500 and approved the purchase of software amounting to \$1,200 and the option for reassessment after Metro begins operations for a sum not to exceed \$5,000.

Councilman Tyner asked if he could have a copy of the RFP used. Councilman Duncan asked if any trip destination work would be done. It might be used for the creation of a bus service.

Re: Approval of Revised
Disability Program
for City Employees

On motion of Councilman Duncan, duly seconded and unanimously passed, the revised disability program for City Employees was approved by the Mayor and Council. Copies of the disability program are available in the City's Personnel Office.

Re: Approval of Second
Amendment to Offer
for Construction of
housing by Impara and
Wire Co. on Maryvale
School Site

Laurel Building Association, the concern which will provide construction financing for the Maryvale School site houses has requested a modification to the covenants contained in the original agreement and its addendum. In order to protect itself, the lender wants the covenant provisions regarding owner/occupants and limitation on any resale prices suspended in the event of a foreclosure and foreclosure sales. It will not affect any sales or occupancies which follow the foreclosure actions.

Mr. Lacey told the Mayor and Council that he would not be able to address any questions addressed to him since he has a conflict of interest in having represented Mr. Wire in litigation.

On motion of Councilman Abrams, duly seconded and unanimously passed, the addendum to the offer of agreement was approved by the Mayor and Council.

Re: Award of Contract:
Bid No. 7-85, First
Street Extension

Bids were opened at 3:00 p.m. Thursday, August 2, 1984, in the Mayor and Council Chambers for construction of First Street Extension between Veirs Mill Road and Rockville Pike.

This project covers the construction of a four lane divided roadway from Veirs Mill Road under the B&O and METRO tracks to Rockville Pike, a distance of approximately 1000 feet. In addition, a large storm drainage piping system will be installed to serve First Street which requires a 72" diameter pipe under Rockville Pike and down the Ritchie Parkway stream area for a distance of approximately 400 ft.

This is the second and final phase of the project. The first phase covered the construction of the B&O railroad bridge and was accomplished in coordination with the construction of the METRO system.

The City received an excellent response to the invitation and eight bids were received as follows:

ATEC Contracting Corporation, Upper Marlboro, MD	\$1,010,969.00
MARBRO Company, Inc., Beltsville, Maryland	1,032,104.75
Nova Construction, Forestville, Maryland	1,073,378.00
F.O. Day Construction Co., Rockville, Maryland	1,094,559.00
Pessoa Construction, Bladensburg, Maryland	1,214,181.47
Richard F. Kline, Inc., Frederick, Maryland	1,289,638.05
Corman Construction, Inc., Washington, D.C.	1,423,183.00
Concrete General, Inc., Gaithersburg, Maryland	1,953,187.50
Engineer's Estimate	\$1,008,000.00

It is recommended that this contract be awarded to the low bidder, ATEC Contracting Corporation in the amount of their bid of \$1,010,969.00, subject to concurrence of the Maryland State Highway Administration prior to contract execution.

Councilman Tyner asked if the contract speaks to the earth berm on the east side of the Norris Garage, noted in the neighborhood plan. Mr. Coodin said that is part of the land use and is not in the contract. Councilwoman Hovsepian asked that this project be publicized with an explanation that the project was delayed by the Federal and State approval process. Mayor Freeland agreed and asked that an article be placed in the newsletter explaining this.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 7-85 for the First Street Extension was awarded to the ATEC Contracting Corporation in the amount of \$1,010,969.00.

Re: Approval of
Application for State
grant to Inspect
Private Storm Water
Facilities

The new Maryland Storm Water Management Law will require Rockville to expand its inspection and enforcement programs particularly with respect to private on-site SWM facilities. Further, the State will help fund both storm water management plan review and inspection as well as enforcement services.

Staff estimates that \$35,789 will fund the added work - and by taking advantage of the Grant-In-Aid program received the \$35,789 from the State.

The City Attorney's office has reviewed State of Maryland statements concerning the SWM program, letters from Water Resources Administration and the Grant Agreement. All materials have been reviewed and approved.

Therefore, staff recommends entering a storm water management Grant-In-Aid Agreement with the State of Maryland to take advantage of \$35,789 Grant-In-Aid funds.

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On motion of Councilman Duncan, duly seconded and unanimously passed, a SWM Grant-In-Aid agreement with the State was approved.

Re: Preliminary Review
and Referral of Text
Amendment T-62-84,
Underground Trans-
formers

The Planning Commission has instructed the staff to file the subject text amendment on its behalf to amend the requirements dealing with location and screening of electric transformers and equipment lockers. This amendment will eliminate the burden of Commission review of numerous requests for above ground installation of such features and will provide specific guidelines for location and screening in various situations.

The staff supports this amendment as a means of streamlining a part of the development review process.

On motion of Councilman Abrams, duly seconded and unanimously passed, Text Amendment T-62-84, was reviewed and referred to the Planning Commission for further study. Councilman Tyner asked if he might be furnished with a copy of the staff's criteria used to grant the waivers in this particular text amendment.

Re: Award of Contract:
Bid No. 10-85, Storm
Water Management - Red
Gate Golf Course

Bids were opened at 11 a.m. August 1, 1984, in the City Hall Council Chamber on the subject project. The work includes cleaning the sediment from and stabilizing the disturbed areas in and around four ponds at or near the Redgate Golf Course, two other ponds, one located at Mt. Vernon Place and the other at Gerard Court, landscaping the Locks Pond Court SWM facility, minor repairs to the Currier Court SWM facility and miscellaneous maintenance and minor repair of existing gabions on stream banks in the Halpine Village area.

These items of work were arranged in the contract so as to allow the contractor to bid separate prices on each.

Ten bidders picked up the bid packages. Of this number, only one submitted a bid as follows:

Darwin Construction Company	\$175,500
Engineer's Construction Cost Estimate	\$125,500
Existing Appropriation	\$103,000

The staff is of the opinion that the bid is unresponsive and should therefore be rejected and rebid. The contract will be revised by removing certain items which will be completed under other contracts and by use of City maintenance forces.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 10-85 was rejected and staff was instructed to readvertise.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. D.L. McIntyre, re L&I problem
F.J. Rubes, re L&I problem
2. R.J. Sincoff, re suit
3. A.B. Brisker, re road problem
4. Rev. Moser, Jerusalem Church, re police incident
5. C.S.I., thank you
6. COG, re annual meeting
7. Barbara Jones, re thank you
John Moser, re thank you
8. County Executive, re North Rockville School site
9. V.W. Kasic, re neighborhood problem

Councilman Tyner agreed this is a bad intersection.

10. Letters re Mayor's employment

11. Richards family, re handicapped access

Councilman Abrams asked if this is the same intersection that the Council spoke to last week. The City Manager said it is.

12. New Mark Commons Homes Association, re Area 3
13. Barry Scher, Giant, re Safe Driving Campaign

14. Magruders, thank you for North Washington Street improvements

15. WMATA, re meeting on cost savings

Councilwoman Hovsepian asked if anyone would be attending this meeting. The City Manager said no work is being done on it at this time.

16. MML, re benefit auction

The Council discussed what would be suitable for a donation. No decision was made; it will be addressed at another meeting.

17. Z. Wyszynski, re police department

18. Sonja Fowler, re meeting with General Motors

Councilman Abrams, suggested this information be turned over to the Richard Montgomery Task Force. The Mayor disagreed and said he would like to see it continued as it has until such time as it is ready to be given to the Task Force. That will not be too long in the future.

19. M.C.P.S., re letter to County Executive on school use

20. Maryland Department of Transportation, re schedule of meetings with local officials

Re: Information Items

1. Information re County Employment and Training program

Councilwoman Hovsepian said she had hoped this County training program could tie in to the City's Convocation on Human Needs.

2. Response to citizen inquiry
3. Memo from City Attorney re Svanholm v. Mayor and Council
4. Rockville Housing Authority letter on P.I.L.O.T.

Councilman Tyner asked for a staff report back on this and the various options.

5. Memo from Youth Services re Use of Computer

Councilwoman Hovsepian applauded the tremendous staff efforts.

6. Letter to Education Commission re speeding complaint

Councilwoman Hovsepian thanked the Education Commission for a speedy response.

7. Letter to MCPS requesting information
8. Letter to SHA re dangerous intersections
9. Report on meeting of SHA with Woodley neighborhoods
10. Letter complimenting staff

Councilwoman Hovsepian said indeed the staff should be complimented. She attended the wrap up of the playground season last week and the presentation of the Mayor's Cup to Montrose Park and it is a wonderful program.

Re: New Business

1. Councilman Tyner suggested traffic signs be placed in the Twinbrook East Metro Parking lot, noting no left turns onto Ardennes, since it is presently being used as a cut-through.

2. Councilwoman Hovsepian asked if the Council would agree to instruct the staff to prepare Charter Amendments from the Advisory Referendum on the questions that received a 60% affirmative vote in order to begin the process. Councilman Duncan agreed with the suggestion and asked that an amendment calling for a recall provision in the Charter be prepared at the same time.

3. Councilwoman Hovsepian asked that the Mayor and Council have a work session to review priorities. The Council agreed to this with Councilman Tyner suggesting it not be held in the City Manager's conference room but somewhere away from City Hall.

4. Mayor Freeland said he would like to raise the issue of a public safety commission that would involve the police department, fire and rescue services. He would like to see a task force formed to look into the formation of a charter that could return to the Mayor and Council with Commission's recommendations on the feasibility. Councilman Abrams disagreed with the suggestion because of the timing. He said at the present time there are two reviews of the Lincoln Park

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incident going on. He would prefer to await the results of that inquiry since it may well shape what the Mayor and Council would wish the committee to review. He asked for a deferral. Councilwoman hovsepian said she had no problem with the idea but she does not know how it would function and how effective it could be since the fire and rescue services are not under the City's jurisdiction. Councilman Duncan said he fully supports the task force idea to explore the feasibility. Councilman Tyner said he is not in favor of any public safety commission because no matter what its charter it could assume a "watch dog air". He could not approve it until he knew exactly what it would be doing. Mayor Freeland said that is his intention in forming a task force. It would produce a charter that the Mayor and Council could approve before a commission was created. Councilman Duncan said he serves on the Criminal Justice Coordinating Committee for the County and it simply sets policy. Mayor Freeland restated his position in favoring the formation of a task force that could work for six months and report back to the Council. He asked that the staff draft thoughts along these lines for Mayor and Council review at the next meeting. Councilman Abrams said he remains opposed at this stage since he feels it is premature.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 19-84, June 9, 1984, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 21-84, June 25, 1984, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 22-84, July 9, 1984, were approved as amended.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 23-84, July 22, 1984, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 24-84, July 23, 1984, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 25-84, July 30, 1984, were approved as written.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the Meeting was adjourned at 1:30 a.m. on Tuesday, August 14, 1984, to convene again in general session on Monday, August 27, 1984, at 8:00 p.m. or at the call of the Mayor.